

# EXHIBIT H

**PIERCE, DAVIS, & PERRITANO, LLP**  
Ten Winthrop Square  
Boston, MA 02110

# **TELECOPY COVER SHEET**

DATE: August 2, 2005 OUR FILE NO: 282-0402415

TOTAL NUMBER OF PAGES: - 3 - (INCLUDING THIS SHEET)

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Name Edward Colbert, Esq.

**Company** : Looney & Grossman, LLP  
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**From** : Pierce, Davis & Perritano, LLP

Name : John J. Cloherty III

Phone No. : (617) 350-0950

Facsimile No. : (617) 350-7760

\* \* \* \* \*

*Crystal Motor Express, Inc. v. Town of Lynnfield*

...and the following day, I am off to the beach.

**Remarks** : Please see attached.

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**PIERCE, DAVIS & PERRITANO, LLP**  
COUNSELLORS AT LAW

Joel F. Pierce  
John J. Davis \*  
Judith A. Perritano  
John J. Cloherty III \*

Of counsel:  
Gerald Fabiano  
Jeffrey M. Sankey\*

TEN WINTHROP SQUARE  
BOSTON, MA 02110-1257  
TELEPHONE (617) 350-0950  
FACSIMILE (617) 350-7760

James M. Dunn ♦  
David C. Hunter †  
Danielle T. Jenkins \*  
Robert S. Ludlum ‡  
Maureen L. Pomeroy ○  
Daniel G. Skrip ♦  
Darlene M. Tonucci ■

\* also admitted in RI  
♦ also admitted in PA  
† also admitted in NY  
‡ also admitted in CT  
■ also admitted in FL  
○ also admitted in NH

August 2, 2005

VIA FACSIMILE AND  
FIRST CLASS MAIL  
Edward V. Colbert III  
Looney & Grossman LLP  
101 Arch Street  
Boston, MA 02110

Re: Crystal Motor Express, Inc. v. Town of Lynnfield  
U.S. District Court of MA C.A. No.: 04CV11450 RGS  
Our File No.: 282-0402415

Dear Attorney Colbert:

In response to your letter dated July 27, 2005, please note the following:

1. I now have 2 DVD-R disks for the video of the October 2003 Town Meeting which I will make available for inspection and copying.
2. I believe the Town Clerk's files have already been segregated for your review, but will confirm this with the clerk.
3. I will obtain and provide a copy of the Town's Charter.
4. I will obtain and provide a copy of the Town Administrator's job description.
5. I have requested a copy of the applicable insurance policy from the insurance company and will provide a copy of it to you upon receipt.

I do not anticipate changing my position that Town Counsel's discussions with Town Officials and any minutes of executive sessions are privileged. Unfortunately, it may require a court ruling to obtain discovery of these privileged communications and documents. By way of complying with the applicable rules of procedure, please accept this as a privileged document log of the following responsive documents now known to defense counsel that are being withheld from production due to privilege:

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**PIERCE, DAVIS & PERRITANO, LLP**

Crystal Motor Express, Inc. v. Town of Lynnfield

Edward V. Colbert III

August 2, 2005

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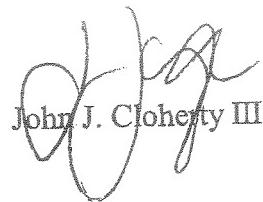
- (A) Board of Health Executive Session Minutes dated 3/3/04.
- (B) Town Counsel Thomas Mullen's correspondence to Health Director James Nugent, dated 6/19/04, 4/19/04, 2/2/04, 1/19/04, and 1/6/04.
- (C) Town Counsel Thomas Mullen's correspondence to six Town Officials, William Gustus, et al., dated 3/4/04.
- (D) Health Director James Nugent's correspondence to Town Counsel Thomas Mullen dated 12/9/03.
- (E) L. Cardavelli correspondence to Claims Manager Michael Cusack dated 6/28/04.

Please contact me upon receipt of this letter to further discuss its contents.

Thank you.

Sincerely,

**PIERCE, DAVIS & PERRITANO, LLP**



John J. Cloherty III

JJC/mm

cc: Thomas Mullen, Esq.